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FISCAL IMPACT REPORT

SPONSOR Swisstack DATE TYPED 3/4/05 HB 324/aHJC/aHFI#1
 SHORT TITLE Fee for Certain Arrest and Background Records SB _____
 ANALYST Peery

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY05	FY06			
\$375.0	\$1,560.0	\$1,716.0 FY07	Recurring	Criminal History Fund

(Parenthesis () Indicate Revenue Decreases)

Companion to SB 91

SOURCES OF INFORMATION

LFC Files

Responses Received From

State Treasurer (ST)
 Department of Public Safety (DPS)
 Public Education Department (PED)

No Response

Department of Finance Administration (DFA)

SUMMARY

Synopsis of HFL #1 Amendment

The first House Floor Amendment to House Bill 324 removes the working “is” and replaces it with “may be”. The change to the proposed legislation reads as “...money in the fund may be appropriated to the Department of Public Safety for the administration of the Arrest Record Information Act.” This amendment gives the Legislature appropriation authority regarding the fund.

Synopsis of HJC Amendment

The House Judiciary Committee amendment inserts the word “made” after “be” on page 2, line 10. The wording clarifies the expenditures of the fund shall be made by warrant of the Secretary

of Finance and Administration upon vouchers signed by the Secretary of Public Safety or the Secretary's authorized representative.

Synopsis of Bill

House Bill 324 authorizes the Department of Public Safety to charge a fee for processing fingerprint supported arrest records and for criminal history background checks. It also creates a "criminal history fund" in the State Treasury to be administered by the Department of Public Safety and money appropriated to the fund to the agency for administration of the Arrest Record Information Act.

This bill contains an emergency clause.

PERFORMANCE IMPLICATIONS

DPS reports their Law Enforcement Records Bureau can begin to operate 24 hours a day and seven days a week as required by the Federal Bureau of Investigation and National Crime Information Center regulations. They also state that backlogs can be reduced and eliminated.

FISCAL IMPLICATIONS

DPS states the proposed legislation will provide approximately \$1,560,000 to the Law Enforcement Records Bureau to fund operations and personnel. DPS reports that as backlog is eliminated and processes developed to remain current for day-to-day operations, additional funds as collected will be used to upgrade and install equipment and records management technology. They estimate the bill will save the state \$650 thousand in general funds.

Continuing Appropriations

This bill creates a new fund and provides for continuing appropriations. The LFC objects to including continuing appropriation language in the statutory provisions for newly created funds. Earmarking reduces the ability of the legislature to establish spending priorities

ADMINISTRATIVE IMPLICATIONS

DPS states the State Treasurer's office will be responsible for investing income into the fund and disbursing via warrant all vouchers submitted by the Secretary of DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

DPS views this bill as a companion to Senate Bill 91 which creates the authority for Children, Youth and Families Department to perform criminal history background checks on employees that have contact with their clients.

OTHER SUBSTANTIVE ISSUES

DPS reports the Law Enforcement Records Bureau has not increased FTE since 1987. In that period of time they have received 10 unfunded mandates for the provision of services. They are: NM Missing Person's Information Clearinghouse, Sex Offender Registration Program, Interstate

Identification Index, National Instant Criminal Background Checks, National Crime Information Center (NCIC) Control Terminal Agency, NCIC Interstate Identification Index and Quality Assurance, Uniform Crime Reporting, State Tracking Number Program, National Incident Based Reporting System, and Conceal and Carry Weapons background checks.

RLP/yr:njw